

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

2302 N. TRUMAN ENTERTAINMENT) )  
MGMT., LLC, d/b/a )  
Pure Pleasure Boutique, )  
                            )  
                            )  
Complainant,             ) ) Cause No: 4:11-CV-00171 HEA  
vs.                         )  
                            )  
CITY OF PEVELY, MISSOURI, *et al.* )  
                            )  
                            )  
Defendant.                 )

**MOTION TO RECONSIDER**

COME NOW Defendants, and for their Motion to the Court to reconsider its Order of September 27, 2012 (Doc #56) state as follows:

1. Plaintiff's counsel served and filed its "Request for Leave to File Plaintiff's Compliance with the Courts Order Relating to Trial (Doc.#40 dated May 10, 2012) Out of Time" on September 27, 2012 (Doc.#54).
2. Document 54 was electronically filed in the early afternoon of September 27, 2012, and was deposited in the Court's menu designated as "Motion for Extension of Time, Re: Transcript."
3. Defendants' counsel contacted the Court's Case Management Team by telephone immediately upon receipt of Document 54 and indicated that it would file a

response as promptly as possible but in any event before the close of business of the Court's business day on September 27, 2012.

4. Defendants' counsel prepared and attempted to file Response to Request for Leave to File Plaintiff's Compliance Request Out of Time; however, same was continuously rejected by the ECMF, and defendants' counsel was unable to file due to the fact that plaintiff's counsel had deposited for filing its document #54 in the wrong place under the menu. At approximately 4:50 p.m. on September 27, 2012, defendants' counsel received document #56 which indicated that the Court had ordered the re-filing of plaintiff's document #54 under the proper menu entry and had further granted plaintiff's request for additional time.

5. Thereafter, defendants' counsel again attempted to file its Response to Request for Leave to File Plaintiff's Compliance Request Out of Time, same being rejected again.

6. Thereafter, defendants' counsel attempted to contact the Court directly by telephone and left a voice mail message with Case Management Team member, Tim Christopher at 4:58 p.m.

7. On Friday, September 28, 2012, defendants' counsel advised Case Management Team member, Tim Christopher, of the circumstances occurring and the inability to file the document with the Court; and, was advised by Case Management Team member, Tim Christopher, that he – Christopher – had corrected the plaintiff's erroneous deposit of the document #54, and further instructed defendants' counsel to

attempt to re-file its Response to Request for Leave to File Plaintiff's Compliance Request Out of Time on September 28, 2012, together with this Motion to the Court for re-consideration.

8. Filed immediately preceding this document, or immediately following this document (hopefully) the Court will locate, review, and be able to consider defendants' Response, which is necessary in order for the Court to be fully apprised and informed and to reconsider its Order of September 27, 2012, filed at approximately 4:50 p.m. (Doc #56)

WHEREFORE, Defendants pray the Court reconsider its previous Order, as identified, and deny the Plaintiff's Request as more particularly set forth in document #54.

Respectfully submitted,

SHEPHERD, TAYLOR, KORUM & CURTIS, LLP

By: /s/ David M. Korum  
DAVID M. KORUM 24249MO  
222 S. Central Avenue  
St. Louis, MO 63105  
(314) 727-8677  
(314) 727-8678 (fax)

**CERTIFICATE OF SERVICE**

I certify that on September 28, 2012, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Robert G. Kister, Trial Attorney, Esq.  
Luke Charles Lirot, Esq.

/s/ *David M. Korum*  
David M. Korum, 24249MO  
Attorney for Defendants